REMARKS

This Response is submitted in reply to the Office Action dated February 21, 2006, issued in connection with the above-identified application. Presently, claims 1-24 are pending in the patent application. With this Response, claims 1, 8-12, 17 and 23-24 have been amended and claim 18 has been canceled. No new matter has been introduced by any amendments made to the claims. Thus, entry and favorable reconsideration are respectfully requested.

I. Response To §112 Rejections

Claims 1-24 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with written description requirements. Specifically, the Examiner alleges that the claims contain subject matter that is not sufficiently described in the specification. Accordingly, the Applicants have herein removed the objectionable subject matter noted by the Examiner thereby rending the §112 rejections to the claims moot.

II. Response To §102 And §103 Rejections

Claims 1-15 and 17-24 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Alt et al. (U.S. Patent No. 6,580,356, hereafter "Alt"). Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Alt in view of Nerlikar (U.S. Patent No. 5,629,981, hereafter "Nerlikar"). The Applicants respectfully traverse the rejections noted above for the following reasons.

To expedite prosecution, the Applicants have herein amended independent claims 1, 9, 17 and 23-24 to further distinguish over the prior art of record. The present invention, as recited in claims 1, 9, 17 and 23-24 (as amended), is directed to an apparatus, system, method and computer program for authenticating information in a system that includes a portable device. The portable device receives and executes services furnished by a service furnishing device. In pertinent part, the portable device includes a synthesizing means implemented to synthesize fixed user identification data and variable user identification data to create authentication data. The authentication data can be used by the service furnishing device to perform authentication processing prior to furnishing services. These features of the present invention are not believed to be disclosed, taught or suggested by the cited prior art and are fully supported by the Applicants' disclosure (see, Applicants' disclosure, pages 29-30).

Alt discloses a method of identifying authorized persons who are desirous of entering into secured transactions. Identification is made through the use of a portable identification

device that can be worn on or part of a garment. The portable device generates a coded signal that identifies the wearer, which is transmitted through a transmission link created by the body when a wearer touches a sensor. The security system uses the coded signal to identify if the wearer is authorized to proceed with the transaction (see, Alt, Abstract). In the Office Action, the Examiner relies on an active and passive mode of operation of the portable device for rendering obvious the synthesizing means or step of the present invention; at least as previously claimed. (see, Alt, col. 11, line 58-col. 12, line 3 as well as col. 13, lines 9-30). However, as amended claims 1, 9, 19 and 23-24 are now believed to be clearly distinguishable over Alt.

In Alt, the triggering of the active mode of the portable device is the result of a change in electrical impedance sensed as soon as a finger of the wearer contacts an electric or electronic sensor of a receiving system. The impedance indicator 62 in the body link system 10 senses this change in impedance and emits an active signal to the processor 63. The active signal turns on the transmitter (i.e., signal generator 60), which transmits a coded signal that includes identity data for the wearer (see, Alt, col. 11, line 58-col. 12, line 3). The coded signal is encoded with a PIN number (i.e., 4 digit number) that specifically identifies the wearer (see, Alt, col. 13, lines 9-30).

Based on a close reading of Alt, the only data that can be considered variable user identification data is the impedance (i.e., impedance can be different for each wearer). Additionally, here the fixed user identification data would have to be the PIN number. However, as clearly disclosed in Alt, the impedance is not synthesized with the PIN number, let alone used as part of the authentication process. To the contrary, the impedance is simply used to activate the body link system 10. Additionally, although the PIN number is used for authentication, it is not synthesized with any other data that could be consider user identification data.

Moreover, after a detailed review of Nerlikar, the reference does not appear to overcome the deficiencies noted above in Alt to render obvious any claims of the present invention. In particular, Alt and Nerlikar individually or in combination fail to teach or suggest a portable device that synthesizes fixed user identification data and variable user identification data, wherein the synthesized data is used to perform authentication processing.

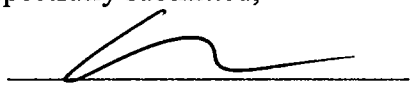
Therefore, even if it were proper for one of ordinary skill in the art to combine the teachings of Alt and Nerlikar, the combination still would not teach or suggest all the features recited in claims 1, 9, 17 and 23-24 (as amended). For at least these reasons, independent claims

1, 9, 17 and 23-24 are believed to be distinguished over the cited prior art. Likewise, dependent claims 5-8, 10-16 and 19-22 are also believed to be distinguishable over the cited prior art based on their respective dependencies from claims 1, 9 and 17.

III. Conclusion

In light of the above, the Applicants submit that claims 1-17 and 19-24 are patentable over the prior art of record. Accordingly, the Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Commissioner is authorized to deduct such fees from deposit account no. 02-1818.

Respectfully submitted,

BY 

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Dated: May 18, 2006